IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

MONDAY, THE 19TH FEBRUARY 2007 / 30TH MAGHA 1928

Bail Appl..No. 908 of 2007()

CRIME NO.72/2007 OF THALIPARAMBA POLICE STATION

: PETITIONER/1ST ACCUSED

SHYAMJITH, S/O.GOPINATH,
KUTTIKKOL, THALIPARAMBA THALUK,
KANNUR.

BY ADV. SRI.PROMY KAPRAKKATT
SRI.K.N.ABHILASH

RESPONDENTS: RESPONDENT/COMPLAINANT & STATE

THE STATE OF KERALA,
REP. BY THE SUB-INSPECTOR OF POLICE,
THALIPARAMBA POLICE STATION,
(THROUGH THE PUBLIC PROSECUTOR OF
HONOURABLE KERALA HIGH COURT, ERNAKULAM)

BY PUBLIC PROSECUTOR SRI.P.N.SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 19/02/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

B.A. No. 908 OF 2007

Dated this the 19th day of February, 2007

O R D E R

Petitioner, who is the first accused in Crime No.72/2007 of Thaliparamba Police Station for offences punishable under sections 341, 323, 324 and 427 read with section 34 IPC and subsequently also for an offence punishable under section 394 IPC, seeks anticipatory bail.

2. Learned Public Prosecutor opposed the application.

3. It is too early to accept the petitioner's contention that the ingredients of robbery are absent in the First Information Statement and that Sec.394 has been subsequently added only to see that a non-bailable offence is incorporated so that the petitioner will not be able to seek bail.

4. The First Information Statement definitely makes mention about the loss of a gold chain. Whether it was intentionally removed or whether the chain was lost in the course of the robbery is a matter to be considered later. The fact remains that the chain has been lost. When the companion of the de facto complainant had gone to the scene of the crime in search of the chain he was also assaulted. I am not inclined to grant anticipatory bail to the petitioner. There is no reason why the petitioner should not surrender before the Investigating Officer for

interrogation and then have his application for regular bail be considered by the Magistrate concerned. Accordingly, the petitioner is directed to surrender before the Investigating Officer on any day between 22.2.2007 and 24.2.2007 for the purpose of custodial interrogation and recovery of incriminating materials, if any. The petitioner shall, thereafter, be produced before the Magistrate concerned on the same day. The Magistrate shall consider and dispose of the application for regular bail , if any, filed by the petitioner, preferably on the same day on which it is filed.

This application is disposed of as above.

(V. RAMKUMAR, JUDGE)

aks